

## **Assembly Bill No. 1029**

### **CHAPTER 710**

An act to amend Section 27803 of, and to add Sections 21714, 27315.1, and 27368 to, the Vehicle Code, relating to vehicles.

[Approved by Governor October 5, 1997. Filed  
with Secretary of State October 6, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 1029, Frusetta. Vehicles: safety belts: motorcycles: helmets: exemption: traffic lanes.

(1) Existing law prohibits certain vehicles from being operated on traffic lanes that have been designated exclusive or preferential use lanes for high-occupancy vehicles.

Existing law requires that a vehicle be driven entirely within a single lane whenever any roadway has been divided into 2 or more clearly marked lanes for traffic in one direction, except as specified.

This bill would specify that these provisions of existing law apply to a fully enclosed 3-wheeled motor vehicle of specified dimensions, thereby imposing a state-mandated local program by creating a new crime with regard to preferential use lanes.

(2) Existing law defines a motorcycle, for purposes of the Vehicle Code, as any motor vehicle having a seat or saddle for the use of the rider, designed to travel on not more than 3 wheels in contact with the ground, and weighing less than 1,500 pounds.

Existing law requires a driver and any passenger to wear a safety helmet that meets specified standards when riding on, among other things, a motorcycle.

This bill would exempt a person operating, or riding as a passenger in, a fully enclosed 3-wheeled motor vehicle of specified dimensions that meets prescribed requirements from the safety helmet requirement specified above.

(3) Existing law makes it an infraction for any person to operate a private passenger motor vehicle, as defined, on the highway without having that person and all passengers 16 years of age or over restrained by a safety belt. It is unlawful for any parent or legal guardian, when present in a private passenger motor vehicle to permit his or her child or ward who is between 4 years and 16 years of age to be transported on the highway in the vehicle without using a safety belt.

Existing law makes it unlawful for any parent or legal guardian, when present in a private passenger motor vehicle to permit his or her child or ward who is less than 4 years of age to be transported on

the highway in the vehicle without using a specified child passenger restraint system.

This bill would make those provisions applicable to drivers and passengers in a fully enclosed 3-wheeled motor vehicle of specified dimensions. Because the bill would thereby expand the scope of existing crimes, it would impose a state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 21714 is added to the Vehicle Code, to read:

21714. The driver of a vehicle described in subdivision (f) of Section 27803 shall not do either of the following:

(a) Operate the vehicle in any lane established under Section 21655.5 as an exclusive or preferential use lane for high-occupancy vehicles.

(b) Operate the vehicle in either of the following:

(1) The area on, or immediately adjacent to, the striping or other markers designating adjacent traffic lanes.

(2) The area between two or more vehicles that are traveling in adjacent traffic lanes.

SEC. 2. Section 27315.1 is added to the Vehicle Code, to read:

27315.1. Section 27315 applies to any person in a fully enclosed three-wheeled motor vehicle that is not less than seven feet in length and not less than four feet in width, and has an unladen weight of 900 pounds or more.

SEC. 3. Section 27368 is added to the Vehicle Code, to read:

27368. This article applies to child passengers in a fully enclosed three-wheeled motor vehicle that is not less than seven feet in length and not less than four feet in width, and has an unladen weight of 900 pounds or more.

SEC. 4. Section 27803 of the Vehicle Code is amended to read:

27803. (a) A driver and any passenger shall wear a safety helmet meeting requirements established pursuant to Section 27802 when riding on a motorcycle, motor-driven cycle, or motorized bicycle.

(b) It is unlawful to operate a motorcycle, motor-driven cycle, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision (a).

(c) It is unlawful to ride as a passenger on a motorcycle, motor-driven cycles, or motorized bicycle if the driver or any passenger is not wearing a safety helmet as required by subdivision (a).

(d) This section applies to persons who are riding on motorcycles, motor-driven cycles, or motorized bicycles operated on the highways.

(e) For the purposes of this section, “wear a safety helmet” or “wearing a safety helmet” means having a safety helmet meeting the requirements of Section 27802 on the person’s head that is fastened with the helmet straps and that is of a size that fits the wearing person’s head securely without excessive lateral or vertical movement.

(f) This section does not apply to a person operating, or riding as a passenger in, a fully enclosed three-wheeled motor vehicle that is not less than seven feet in length and not less than four feet in width, and has an unladen weight of 900 pounds or more, if the vehicle meets or exceeds all of the requirements of this code, the Federal Motor Vehicle Safety Standards, and the rules and regulations adopted by the United States Department of Transportation and the National Highway Traffic Safety Administration.

(g) In enacting this section, it is the intent of the Legislature to ensure that all persons are provided with an additional safety benefit while operating or riding a motorcycle, motor-driven cycle, or motorized bicycle.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

